

(5/19/22)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

TELEBRANDS CORP.,	)	CASE NO. 1:23-cv-631
	)	
Plaintiff,	)	JUDGE BRIDGET M. BRENNAN
	)	
v.	)	
	)	
WINSTON PRODUCTS, LLC,	)	<b><u>NOTICE OF CASE</u></b>
	)	<b><u>MANAGEMENT CONFERENCE</u></b>
	)	<b><u>AND ORDER</u></b>
Defendant.	)	

**I. CASE MANAGEMENT CONFERENCE**

All counsel and parties will take notice that the above-entitled action has been set for a Case Management Conference (“CMC”) on **September 13, 2023, at 12:00 p.m.**

The following directives apply to this particular CMC:

- \_\_\_\_\_ All parties (or, in the case of a corporation or similar legal entity, the person most familiar with the facts of the case) and lead counsel are required to attend in person. Participants should report directly to Chambers 15B, U.S. Courthouse, 801 West Superior Avenue, Cleveland, OH.
- \_\_\_\_\_ Only lead counsel are required to attend in person; parties shall be available by telephone. Participants should report directly to Chambers 15B, U.S. Courthouse, 801 West Superior Avenue, Cleveland, OH.
- \_\_\_\_\_ All parties (or, in the case of a corporation or similar legal entity, the person most familiar with the facts of the case) and lead counsel are required to participate by telephone, OR
- X**   Only lead counsel are required to participate by telephone. Directions for joining the call will be emailed to counsel of record by the courtroom deputy no later than the day before the CMC.

The Court believes that the CMC is of extraordinary importance and expects counsel to be prepared with the factual predicate from the standpoint of counsel’s client.

The Court will specifically tailor the Case Management Plan to the particular case based on the information supplied at the CMC.

## **II. TRACK ASSIGNMENT**

This case is subject to the provisions of Differentiated Case Management (“DCM”), as set forth in the Local Rules. The Court will evaluate this case in accordance with LR 16.2(a)(1) and assign it to one of the case management tracks described in LR 16.2(a)(2). Each of the tracks (expedited, standard, complex, mass tort and administrative) has its own set of guidelines and timelines governing discovery, motion practice and trial. The Local Patent Rules will apply to this case.

## **III. PLANNING MEETING**

The parties shall meet prior to the CMC to discuss the case and prepare a proposed discovery plan pursuant to Fed. R. Civ. P. 26(f). The Court places the burden of arranging this meeting on counsel for Plaintiff(s) if originally filed with this Court or, on counsel for Defendant(s) if removed.

With the exception of certain cases enumerated in Fed. R. Civ. P. 26(a)(1)(B), the parties shall, at or within 14 days after the meeting and without awaiting a discovery request, provide the basic information to the other parties specified by Fed. R. Civ. P. 26(a)(1), (2), and (3). A Report of Parties’ Planning Meeting under Fed. R. Civ. P. 26(f) and Local Patent Rule 2.1 (attached hereto as “Att. 1”) shall be filed with the Court at least five (5) working days before the CMC. Pursuant to Fed. R. Civ. P. 26(d), a party may not seek formal discovery from any source before the parties have met and conferred.

**IV. MANDATORY DISCLOSURES**

Fed. R. Civ. P. 26(a) mandates a series of required disclosures in lieu of discovery requests (“initial disclosures”). Only certain categories of proceedings, outlined in Rule 26(a)(1)(B), are exempt from these initial disclosures. If a party wishes to object to the requirement of initial disclosures, it must do so as part of the planning meeting report described above in Section III. The parties **must** exchange initial disclosures no later than five (5) business days before the Case Management Conference.

**V. ATTORNEY FEES ITEMIZATION**

In all cases in which it is anticipated that a party or parties will seek attorney fees pursuant to statutory or case-law authority, such party shall serve on opposing counsel and file with the Court at or before the CMC a preliminary estimate and/or budget of the amount of fees and expenses expected to be the subject of any such claim. The estimate shall include, but not be limited to, the following:

**ATTORNEY FEES**

Preliminary Investigation and Filing Complaint	\$ _____
Procedural Motions Practice	\$ _____
Discovery	\$ _____
Dispositive Motions Practice	\$ _____
Settlement Negotiations	\$ _____
Trial	\$ _____

**TOTAL FEES**

\$ \_\_\_\_\_

**COSTS**

Depositions	\$ _____
Experts	\$ _____
Witness Fees	\$ _____
Other	\$ _____

**TOTAL COSTS** \$ \_\_\_\_\_**VI. CONSENT TO JURISDICTION OF MAGISTRATE JUDGE**

Magistrate Judge Armstrong has been assigned to assist in this case. The parties are encouraged to discuss and consider consenting to the jurisdiction of the Magistrate Judge. A form reflecting the parties’ consent, if any, to the Magistrate Judge’s jurisdiction is provided with this Order.

**VII. RESOLUTION BEFORE CMC**

If this case is resolved before the CMC, the parties shall submit a stipulation of settlement and dismissal, or otherwise notify the Court that such a stipulation is in process by contacting the Court's chambers at 216-357-7200.

**VIII. INITIAL STANDING ORDER**

Parties are instructed to review the Initial Standing Order issued in this matter. All counsel should familiarize themselves with the Local Rules regarding briefing, motions and memoranda, and discovery requirements.

**IT IS SO ORDERED.**

**Date:** August 11, 2023



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BRIDGET MEEHAN BRENNAN  
UNITED STATES DISTRICT JUDGE